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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

18 Cr. 762 (PAC)

5 NUNZIO GENTILE,

6 Defendant.

Arraignment and
Conference

7 -----x
8 New York, N.Y.
9 June 3, 2022
2:15 p.m.

10 Before:

11 HON. DENISE COTE,

12 District Judge

13
14 APPEARANCES

15 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

16 BY: AMANDA C. WEINGARTEN, ESQ.

17 MATTHEW J. KING, ESQ.

Assistant United States Attorneys

18 FREEMAN NOOTER & GINSBERG

Attorneys for Defendant

19 BY: THOMAS H. NOOTER, ESQ.

20 ALSO PRESENT: NOAH JOSEPH, U.S. Probation Officer, SDNY

21 KRISTEN MAHARAJ, U.S. Probation Officer, EDNY

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(Case called)

THE DEPUTY CLERK: Is the government ready to proceed?

MS. WEINGARTEN: Yes. Good afternoon, your Honor.

Amanda Weingarten for the government. With me at counsel table is AUSA Matthew King, as well as E.D.N.Y. Probation Officer Kristen Maharaj and SDNY Probation Officer Noah Joseph. Thank you.

THE DEPUTY CLERK: For the defendant?

MR. NOOTER: Good afternoon, your Honor. I am Thomas Nooter. I'm CJA for the day. I'm here because I understand Mr. Gentile, who is here, may need appointment of CJA counsel. I have not had more than about a minute to speak with him. Frankly, it doesn't sound to me as if he qualifies for CJA counsel. But we don't have a financial affidavit or anything. So I don't know how the Court wants to proceed with that. He tells me he does have his own attorney who would be available next week but is upstate today. So I'm at the Court's disposal, but I don't know if we need to obtain a little more information before I'm actually appointed.

THE COURT: Thank you very much, Mr. Nooter. That's very helpful.

And do you have a copy of an appointment affidavit, Mr. Nooter, to review whether or not, in filling out the financial form, the defendant would qualify, or is it just based on your conversation with him?

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1 MR. NOOTER: Just based on the conversation. I have
2 not seen a CJA 23 form.

3 THE COURT: Okay. Thanks. Why don't you be seated
4 for a moment.

5 This is a case in which the defendant was sentenced by
6 Judge Nathan, and the case has since been reassigned to me. I
7 have the report of May 27th from the probation department
8 indicating that there are grounds—and six are listed—for
9 violation of the terms of supervised release.

10 Let me ask you, Officer Maharaj, has the defendant
11 been provided with a copy of the six specifications?

12 MS. MAHARAJ: No, your Honor.

13 THE COURT: Do you have a copy for him?

14 MS. WEINGARTEN: I have a spare copy, your Honor.

15 THE COURT: Thank you. The government,
16 Ms. Weingarten, is providing a copy for the defendant.

17 Keep your mask on, Mr. Gentile.

18 And I should advise counsel that should you wish to
19 address the Court without your mask, you may do so, but only
20 from the podium.

21 So I'm happy to put this matter over to next Friday to
22 let the defendant appear with retained counsel, counsel of his
23 own choosing. That's just fine. Alternatively, if the
24 defendant believes that he qualifies for appointment of
25 counsel, Mr. Nooter can go over the financial affidavit with

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1 him this afternoon, and if he qualifies, I'm happy to appoint
2 Mr. Nooter to represent the defendant.

3 But let's take advantage of this time together to
4 accomplish a few things and get this case organized. But
5 again, Mr. Gentile, I'm happy to continue with this matter
6 next week when you have counsel of your own choosing beside
7 you, and able to consult with you.

8 You haven't been given a copy, Mr. Gentile, of the
9 specifications of supervised release violations before this
10 moment, so I'm just going to ask you to read them slowly to
11 yourself. We're going to take a minute here so you can do
12 that. And tell me when you're finished reading them.

13 THE DEFENDANT: Yes, ma'am.

14 (Pause)

15 THE COURT: I'm going to interrupt your reading,
16 Mr. Gentile, to tell you that I'm just going to enter a denial
17 on your behalf today. Right now I don't need you to respond
18 whether you admit or deny. I just need to make sure you have a
19 chance to read that. So let me continue giving you that
20 chance.

21 THE DEFENDANT: Yes, ma'am.

22 (Pause)

23 MS. WEINGARTEN: Your Honor, if I may. I just wanted
24 to --

25 THE COURT: Excuse me. I want to make sure the

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1 defendant can hear anything you say.

2 (Mr. Nooter conferring with the defendant)

3 THE COURT: So Mr. Gentille, have you finished reading
4 through the six specifications?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Okay. Thank you. The government wanted
7 to say something before I allocute you.

8 MS. WEINGARTEN: Thank you, your Honor.

9 I just wanted to let the Court know that it was the
10 government's intention to seek remand today, and that may
11 affect the calculus for the defendant in terms of counsel, but
12 I wanted to give the defendant the opportunity to consider that
13 in this time.

14 THE COURT: Thank you.

15 MS. WEINGARTEN: Thank you.

16 THE COURT: So let me just ask you to stand,
17 Mr. Gentille.

18 Have you had an opportunity to read the six
19 specifications?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Do you wish me to read them to you?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: I'm going to enter a denial on your behalf
24 at this time. You may be seated.

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: So Ms. Maharaj, could you review with me
2 the drug testing history in recent months for the defendant.

3 MS. MAHARAJ: Yes, your Honor. In the --

4 THE COURT: Please stand.

5 MS. MAHARAJ: In the recent months, Mr. Gentile has
6 not been tested. He was previously in drug treatment and had
7 successfully completed that in 2021. There is no reason to
8 believe that he has had any illicit substance use.

9 THE COURT: So when was the last time he was tested?

10 MS. MAHARAJ: I don't have that in front of me, your
11 Honor.

12 THE COURT: You don't normally test people on
13 supervision?

14 MS. MAHARAJ: We randomly do test people, especially
15 if they are in drug treatment. If we have reason to believe
16 that they're using illicit substances, we would test them. We
17 didn't have any reason to believe that he was.

18 THE COURT: Okay. I'm a little surprised. This
19 defendant is, or was at the time of his sentence, criminal
20 history category V, drug conviction, had been in drug
21 treatment. I'm a little surprised there isn't a random drug
22 testing protocol that follows automatically whatever schedule
23 that may be on. But that's a separate issue.

24 I have a report of May 27th from the probation
25 department to support the specifications that have been filed.

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1 Is there anything additional that you wanted to bring to my
2 attention, Ms. Maharaj?

3 MS. MAHARAJ: There's nothing additional, your Honor.

4 MS. WEINGARTEN: Your Honor, if I may.

5 THE COURT: I'll hear from the government. Yes,
6 Ms. Weingarten.

7 MS. WEINGARTEN: Thank you, your Honor.

8 In addition to the specifications that you have in the
9 violation report, your Honor, there has also been a statement
10 by a witness to an officer that there is a firearm, that this
11 witness saw a firearm in the apartment of the defendant's. For
12 safety reasons, I would like to respectfully refrain from
13 listing that witness's name. But I thought that would be
14 important for the Court to know, given that during that time
15 period, other witnesses came forward stating that the defendant
16 had threatened to shoot up the Secure Self Storage
17 establishment and to cause other types of harm to various
18 witnesses. So the government believes that that's an important
19 factor, your Honor, that should be brought to the Court's
20 attention.

21 THE COURT: So do you have an application,
22 Ms. Weingarten?

23 MS. WEINGARTEN: Yes, your Honor. For remand. May I
24 continue with that?

25 THE COURT: Yes.

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1 MS. WEINGARTEN: So, your Honor, the government views
2 Mr. Gentile's recent arrests as truly disturbing and that they
3 demonstrate an escalating pattern of harassment against women,
4 and including a woman with whom he was romantically involved,
5 and we believe that --

6 THE COURT: Excuse me one second.

7 MS. WEINGARTEN: And the government believes that
8 Mr. Gentile has demonstrated that he is a danger to his
9 community. There were at least four complainants related to
10 these two arrests from March and April of 2022 that form the
11 basis of the specifications. Each of these complainants claim
12 that Mr. Gentile threatened them and made other menacing
13 statements. Some of those threats included a statement, "I'm
14 going to blow your face off and shoot up the place," another
15 statement, "I'm going to burn this place down and fuck you up,"
16 another statement, "I will catch you on the street," and the
17 manager at this Self Secure company said that Mr. Gentile
18 actually did show up to the establishment, causing that manager
19 to fear for her life.

20 About a month later, the defendant got into a series
21 of verbal disputes with a romantic partner. He extorted her by
22 saying that he would expose nude photographs of her to family
23 and friends if she didn't make weekly payments to him. He
24 said, "Just Google me. You'll see the violent crimes that I
25 have done in the past and you'll see what I'm capable of." He

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1 also stole her phone, her car keys, and he pounded so hard on
2 her window that it caused -- causing it to crack. He said,
3 "I'm going to hurt you. Don't leave your home."

4 The government also notes that Mr. Gentile has a
5 youthful offender conviction for misdemeanor assault, there was
6 a prior protective order filed against him in 2012, and that
7 there is another conviction for attempted petit larceny where
8 he actually broke into a car, among other convictions.

9 So, your Honor, with regard to risk of flight, the
10 probation officer has made several attempts to visit with
11 Mr. Gentile at the address in Brooklyn that he provided, but
12 it seems that there's uncertainty as to whether he actually
13 lives in the address that he provided to the probation officer.
14 Mr. Gentile has told probation that he is now living in a
15 hotel and is seeking to move to another location, but has not
16 provided the probation officer with that address or the phone
17 number of his romantic partner in order to contact him.
18 However, we feel that it is the danger to the community that is
19 the strongest and most compelling factor for remand. Thank
20 you, your Honor.

21 THE COURT: So Mr. Nooter, I understand you're
22 uncertain about your status with respect to representing the
23 defendant. I'm going to appoint you because of the application
24 that's just been made to me now, and again, if the defendant
25 has the funds to retain counsel or has counsel, other counsel

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1 to represent him, I'm happy to have another conference next
2 week for that counsel to appear and be heard. But in the
3 meantime, I don't want the defendant to be without counsel, so
4 I'm appointing you today.

5 MR. NOOTER: Sure.

6 THE COURT: Would you like an opportunity to discuss
7 these issues with your client, Mr. Nooter, before you respond
8 to the government's application?

9 MR. NOOTER: I would, your Honor.

10 THE COURT: Great. Just let me deputy know when
11 you're ready to resume. I'm going to ask you to stay in the
12 courtroom with your client.

13 MR. NOOTER: Yes.

14 THE COURT: Thank you.

15 MR. NOOTER: Thank you.

16 THE DEPUTY CLERK: All rise.

17 (Recess)

18 (In open court)

19 THE COURT: Please be seated.

20 Mr. Nooter, did you have a chance to consult with your
21 client?

22 MR. NOOTER: Yes, I did, your Honor.

23 THE COURT: Thank you. And so you've heard the
24 government seeks a remand. Do you wish to be heard on that
25 issue?

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1 MR. NOOTER: I do.

2 THE COURT: Thank you.

3 MR. NOOTER: Your Honor, first of all, I will also say
4 I did speak to the lawyer that my client told me about.
5 Although I didn't know him personally, it turns out I do know
6 his partners, one of whom is Jeremy Schneider, who I think you
7 may know.

8 THE COURT: Yes.

9 MR. NOOTER: He's been representing him in the state
10 court cases, which arise out of these complaints, the
11 complaints that are the specifications, the ones that resulted
12 in arrest, the pending state court cases. There are two of
13 them.

14 THE COURT: Can he get here this afternoon?

15 MR. NOOTER: No. I didn't actually go over that with
16 him. But I understand he's not in the city.

17 One of those has been adjourned till June 16th in
18 Queens criminal court, and the other one has been adjourned to
19 mid-July. He didn't remember the exact date. In both cases,
20 they've been -- I don't know if your Honor knows or remembers
21 anything about state court, but there's a thing that's called
22 marking a case final against the People. It's final against
23 the People in both cases, meaning the case will be dismissed
24 the next time unless they obtain a corroborating affidavit.
25 The complaint is a hearsay complaint, and in order to go

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1 forward, to turn it into an information, they need a
2 corroborating affidavit, and the People have not been able to
3 obtain that so far. Now they may, of course, before those
4 dates.

5 Both he and my client -- of course the lawyer's
6 information comes from my client, basically, but -- confirm,
7 state that there are a number of things about these disputes
8 that are very different from the way it appears in the charges.
9 My client is the owner of an automobile detailing and car
10 washing business, which is why I thought he may not actually
11 qualify for CJA counsel, but he's the owner of that business.
12 And he's always there during working hours. So even though
13 he's been a little bit itinerant--and I'll explain why in a
14 minute--in terms of where he's living, he's always at his
15 business, and that's where the probation officer apparently has
16 always been able to find him if they couldn't find him for any
17 other reason.

18 But the reason he's been a little itinerant is that he
19 has been living and still considers his residence 244 Nassau
20 Avenue in Greenpoint, Brooklyn, with his girlfriend Jennifer,
21 who is not one of the complainants that has been discussed.
22 But Jennifer's mother just passed away, and apparently Jennifer
23 is very upset, and that has led to my client sometimes staying
24 in a hotel, not moving permanently to some hotel but sometimes
25 he doesn't stay nights there so he'll stay in a hotel, which is

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1 what he did tell his probation officer. But the business is an
2 anchor, obviously; it's a place to find him. He's not going to
3 run away from his business, give up that asset, in effect, in
4 order to avoid coming back to court, which is all this really
5 should be about, is he going to come back to court.

6 He's confident -- he's told me more about what these
7 disputes are about. One had to do with a storage facility
8 where he had some things stored. He got into a dispute with
9 the owner of that, when his dog apparently urinated in the
10 storage facility, and so there was a fight over that a little
11 bit. And then the other three complainants, as -- as far as I
12 can identify, are people who were hired to work for him at the
13 car wash, who then he felt were stealing and so he fired them.
14 So that's resulted in the dispute that has resulted in these
15 various claims. He denies some of the individual facts, like
16 that any window of a car was broken. I mean, all of these
17 things we can't really litigate right here, but he does -- he
18 presents to me reasonable denials of what some of these charges
19 are, which, coupled with the fact that the complainants have
20 not come in to the prosecutor's office to sign the
21 corroborating affidavit and having the criminal charges, which
22 are all misdemeanors, dismissed on the next court date, make me
23 believe that there's certainly two sides to this story. The
24 other lawyer mentioned that he had been offered a plea to a
25 violation, which is not a crime, with an idea that he would

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1 have an anger management program or something, and they turned
2 that down. But it could be that somewhere in Mr. Gentile's
3 future, some kind of anger management might be appropriate.

4 But on a lot of the specifics that these complaints
5 refer to, he either denies that they're correct or he has a
6 different explanation for what they are, which is not
7 consistent with being guilty of the criminal charges.

8 Finally, I've never seen anything from the government
9 that suggests he hasn't shown up in court when he was supposed
10 to. He was a little late today, but as this Court may know,
11 there's a protest going on outside in front, and he had come by
12 car with a friend and he had some trouble getting up to the
13 courtroom right on time, but he was only 15 minutes late.

14 I would also say that, well, he's very, very concerned
15 about how the business is going to continue to run and who's
16 going to take care of his dog and things like that if he ends
17 up being remanded today. And I would just say that in terms of
18 the only thing that really is important here, which is whether
19 he's going to come back to court, that there's almost -- it's
20 almost a certainty, you know, unless he's going to throw away
21 this whole business that he's built up over years that he is
22 the owner of.

23 THE COURT: So Mr. Nooter, I'm not really focusing on
24 the failure to appear, I'm focusing on the danger issue, that
25 there's a report that he has a firearm or that specifically I

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1 think a firearm was seen in his residence. And --

2 MR. NOOTER: Why wouldn't he have been charged with
3 it? Why wouldn't the police have come and exercised a search
4 warrant? I mean, there are -- he's obviously got some disputes
5 going on with these ladies, and they may be heated, but they
6 also seem to have resulted in exaggerated set of feelings. He
7 doesn't have any kind of -- well, I can't say whether there's
8 an order of protection in the state case. There might have
9 been one issued. But if there were such a thing, one would
10 think that that would have been followed up on immediately by
11 law enforcement. It just seems that it's likely that it's one
12 of these things that people are trying to make things difficult
13 for each other because they're mad at each other and that if
14 there -- since I expect a short adjournment, I mean, I would
15 perhaps suggest shorter than next Friday, but a short
16 adjournment to see if we can get the thing actually totally
17 resolved --

18 THE COURT: So Mr. Nooter, this case may go forward
19 whether or not the state charges are dismissed.

20 MR. NOOTER: Of course. We've had that experience
21 together.

22 THE COURT: Yes. Yes. The government may pursue
23 violations of supervised release even if state charges are
24 dismissed.

25 MR. NOOTER: Right. But it seems --

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1 THE COURT: So we have a situation here where there
2 are independent claims—that is, people who don't know each
3 other—each describing threatening behavior by the defendant—out
4 of control, threatening, frightening behavior. We have a
5 report here of a witness seeing a gun, which the defendant has
6 access to. I have a probation department that has not been
7 able to confirm residence, either the apartment he stayed in --
8 they've never been given access to that, they have no way of
9 contacting the woman who he asserts he's living with, I guess
10 Jennifer. They have no phone number for her that works.
11 They're not given access to the apartment. They don't know
12 where this hotel room is.

13 So the only thing probation knows is that last year he
14 finished a drug treatment program successfully; and two, he has
15 a car wash business—which is good, that's terrific—that they
16 have seen. They're not able to confirm residence. And I have
17 these disparate, independent reports of threats.

18 MR. NOOTER: Your Honor, I haven't quite heard that
19 they weren't able to confirm residence in the past. That may
20 have been -- you may be correct. It's not what I had heard
21 from the --

22 THE COURT: Well, let me make sure I understood
23 correctly from the probation department, whom I've just met.
24 Ms. Maharaj, have you been able to enter the defendant's
25 residence at any point and confirm that's where he lives?

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1 MS. MAHARAJ: No, your Honor. Prior to the past
2 month, Mr. Gentile was under our low-risk offenders so we
3 weren't required to conduct a home visit. I did attempt a home
4 visit a few weeks ago, and I was not able to confirm that he
5 resides there, as well as I did ask to speak with his
6 girlfriend who does reside at that address in Brooklyn, and
7 Mr. Gentile has not been able to give me her phone number and
8 stated that she was having issues with law enforcement coming
9 to her home. So the probation department has not confirmed
10 that Mr. Gentile resides in Brooklyn. He did inform me
11 yesterday that he's been staying at a hotel in Queens, which he
12 did provide me the address of. I did not get the room number
13 for him. But he stated that he would be leaving there and
14 securing an apartment, I believe he said today, on Queens
15 Boulevard.

16 THE COURT: Thank you.

17 MS. MAHARAJ: You're welcome.

18 THE COURT: Mr. Nooter, just to bring you up to speed
19 there on the residence issues.

20 MR. NOOTER: Right. So I do think's a little bit
21 different than the way the Court had summarized it.

22 THE COURT: In what way? I'm sorry. I didn't mean to
23 mislead you.

24 MR. NOOTER: Only insofar as I assumed that the
25 probation officer did speak to his girlfriend. Am I correct or

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1 am I not?

2 THE COURT: No. She did not.

3 MR. NOOTER: But did find the residence of the
4 girlfriend.

5 THE COURT: Was not permitted to enter, has not spoken
6 with the girlfriend, and has not inspected the residence.

7 MR. NOOTER: All right. But one final point my client
8 made, by the way, is that he self-surrendered when he was
9 informed that they wanted him to, you know, that they had --
10 that they wanted to arrest him on these misdemeanors charges.
11 But I suggest that, again, the risk of losing the business,
12 which is a place where he can be found, is something that would
13 be such a motivating factor, that that, along with the Court's
14 admonitions, would keep him from doing anything in the interim
15 that would be harmful to any other person. And in addition,
16 the fact that these cases have been pending since I believe it
17 was April without any suggestion that there was any harm to
18 anybody since, in that interim period, and certainly without
19 any suggestion that he failed to appear, that he can be relied
20 on to come back to court in order to dispute these charges,
21 which he very vehemently disputes.

22 THE COURT: So again, I'm not relying on the failure
23 to appear. I'm relying on the danger to the community, from
24 access to a firearm, and from threats as described in the
25 probation department report, to independent people who don't

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1 know each other.

2 MR. NOOTER: I mean, the access to firearms is awfully
3 vague.

4 THE COURT: Well, it's not a vague assertion of a
5 firearm being seen in an apartment in which he lives.

6 Let me make sure I got that right, Ms. Weingarten.

7 MS. WEINGARTEN: Yes, that's the government's
8 understanding, your Honor, is that a witness observed the
9 firearm in the apartment in which the defendant resides.

10 MR. NOOTER: And again, you know, I would just repeat
11 that if that were the case, why didn't the witness tell the
12 police or tell the prosecutors, assuming the witness is one of
13 the complainants who already is a complainant in the cases that
14 are pending in Queens criminal court, so that something could
15 be done about it? It just seems a very vague basis at this
16 point for holding him in jail.

17 THE COURT: Thank you, Mr. Nooter.

18 Ms. Weingarten, you wanted to respond?

19 MS. WEINGARTEN: Yes, your Honor. And just to be
20 clear, to clarify the record, and as I mentioned earlier, I'm
21 not at liberty to disclose who the witness was, but that
22 witness did make that statement to a law enforcement officer.

23 Your Honor, just to clarify also, the next court date
24 below is on July 15th, for the benefit of Mr. Nooter. He
25 didn't have that date. I spoke with the ADA on those two

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1 cases. Again, the next two dates are June 16th and July 15th.
2 The ADA had told me that she did make an offer that was
3 rejected, and she intends to pursue those cases in state court.
4 So, you know, those cases are continuing.

5 Your Honor, just to clarify what the defense attorney
6 described as disputes with these ladies, these are multiple --
7 there are at least four individuals that we know of who have
8 made these complaints, two of which were female, at least,
9 others were employees of the self-storage facility. In
10 addition to making threats to blow the place up, burn the place
11 down, he also made individual threats to -- I'll use the word
12 "mess up" certain individuals and to go out and catch them on
13 the street, don't leave your home, I'll find you, you know, and
14 that coupled with access to firearms, the government believes
15 that the defendant has demonstrated to be a danger to the
16 community.

17 This is not the first time that there's been behavior
18 like this. As I mentioned, there were previous violations to
19 property and assault charges, in addition to a protective
20 order.

21 So unless the Court has any additional questions, that
22 will be all. Thank you.

23 MR. NOOTER: If I could have a moment, your Honor. My
24 client wants to tell me something, which he's writing.

25 (Pause)

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1 MR. NOOTER: I think the point my client wanted to
2 make to me, one of them was that at least one of these
3 complainants lives just down the street from him, and from the
4 time when they had whatever dispute that resulted in the
5 complaint being filed and the arrest being made in early April,
6 he has not had any contact with her or done anything in any
7 kind of threatening manner. Other than that, I think I would
8 rest my argument.

9 THE COURT: Thank you.

10 So let me see if I have the sequence of events right.

11 To make sure I do, Officer Maharaj, in Specification
12 No. 1, you indicate that on March 15th, you received
13 notification that the defendant had been arrested on
14 March 14th. How did you receive that notification?

15 MS. MAHARAJ: Sorry. Can you say that again, your
16 Honor.

17 THE COURT: Looking at Specification No. 1 --

18 MR. METZLER: Yes.

19 THE COURT: -- you write that on March 15th, you
20 received notification that the defendant had been arrested on
21 March 14th.

22 MS. MAHARAJ: That's correct, your Honor.

23 THE COURT: How did you get that notification?

24 MS. MAHARAJ: We receive arrest notifications through
25 our administrative assistants that get reports from a database

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1 stating that our defendants have been arrested.

2 THE COURT: So the defendant didn't tell you.

3 MS. MAHARAJ: For that one, he did report the arrest
4 after he was arraigned in court and released.

5 THE COURT: So he initiated a report to you within 72
6 hours?

7 MS. MAHARAJ: Yes, that's correct.

8 THE COURT: Okay. So then he was arrested on
9 March 14th and advised you within 72 hours of that arrest, and
10 that arrest had to do with the complaint made by a person who
11 manages the Secure Self Storage.

12 MS. MAHARAJ: Yes, your Honor.

13 THE COURT: And then there were incidents on April 3rd
14 and April 9th with respect to another woman, and an arrest
15 report was issued on April 4th. I'm not quite sure when the
16 defendant was arrested with respect to the second set of
17 charges.

18 MS. MAHARAJ: Mr. Gentile was arrested on April 12th.

19 MR. NOOTER: I'm sorry, your Honor. That was one of
20 the self-surrenders. He had been notified to come in, and they
21 gave him a week or something to do so.

22 THE COURT: So he was arrested on April 12th, and he
23 did not notify the probation officer within 72 hours of that
24 arrest, but the probation officer learned of the arrest and
25 contacted the defendant on April 20th. Do I read that right,

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1 Ms. Maharaj?

2 MS. MAHARAJ: Yes, that's correct, your Honor.

3 THE COURT: So I have a situation here of multiple
4 incidents that are unrelated to each other in a short period of
5 time, each of them resulting in an arrest, the second one where
6 the defendant does not alert the probation department to the
7 arrest; the probation department is unable to get access to the
8 residence or what it's been told is the residence or contact
9 information for the woman who owns or leases that apartment.
10 So I have a story here of a probation office that is unable to
11 adequately supervise and inform itself of what is happening
12 with respect to the defendant; I have a defendant who is
13 placing women in separate instances so in fear of what may
14 happen to them that they go to the police and report it. So I
15 am going to remand the defendant. And I'll put this matter
16 over till next week so either you, Mr. Nooter, after you have a
17 chance to further explore these issues, or his other counsel
18 can be heard.

19 THE DEPUTY CLERK: Friday, June 10th, at 3 p.m.

20 MS. WEINGARTEN: That works for the government.

21 MR. NOOTER: I'm sorry. If I can just check my
22 calendar.

23 (Defendant conferring with Mr. Nooter)

24 MR. NOOTER: Yes, I'm available then if his other
25 counsel doesn't appear.

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1 THE COURT: Thank you, Mr. Nooter.

2 Thank you, all.

3 THE DEPUTY CLERK: All rise.

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